

JOHN R. ALLEN.

FEBRUARY 29, 1840.

Laid on the table.

Mr. GIDDINGS, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to whom was referred the petition of John R. Allen, report :*

That the petitioner prays indemnity for the loss of a horse, which, he alleges, died, in consequence of the want of forage while in the service of the United States, A. D. 1833.

The proofs exhibited in this case fully establish the fact that the petitioner enlisted into the service of the United States under the law of the 15th June, A. D. 1832, which authorized the raising of mounted volunteers, under such restrictions and regulations as should be prescribed by the President. Under this law a general order was issued, on the day following its passage, in which a part of the regulations and restrictions were in the words following: "Rations will be furnished to the men at the expense of the United States; but forage will be furnished by themselves, or, if provided by the United States, will be charged to the men." The petitioner was ordered to Fort Gibson; and on his return to Fort Leavenworth, between the 24th of March and 12th of April, 1833, the horse died for the want of forage.

By the express terms of the enlistment, the petitioner was to receive one dollar per day for his services, and the use of his arms, equipments, and horse; and he was to furnish his own forage, which, it seems, he failed to do; by reason whereof his horse died. This was a misfortune to the petitioner, and one which he could not, probably, provide against; yet the committee discover no obligation resting upon the Government to compensate the petitioner for his misfortune. Compensation has never been allowed under circumstances like the present. (Vide Reports Nos. 45 and 107 of the 3d session of the 25th Congress.) The committee recommend the adoption of the following resolution:

*Resolved, That the petitioner is not entitled to relief.*

Blair & Rives, printers.

